

Request for Reconsideration:

Claims 1-81 are pending in this application. Claims 2, 3, and 23 stand withdrawn from consideration as directed to an unelected species. Claims 1, 4-22, and 24-81 are under consideration in this application. Applicant acknowledges with appreciation that the Examiner indicates that claims 27-29 and 34 contain allowable subject matter. Nevertheless, Applicant is amending claim 45 to depend from claim 40 and respectfully traverses the outstanding objection to claim 45. Moreover, Applicant respectfully disagrees with the rejections to the considered claims and respectfully requests that the Examiner reconsider those rejections in view of the following remarks. No fees are due as result of this submission. However, in the event of any variance between the fees determined by Applicant and the fees determined by the PTO, please charge such variance to the undersigned's Deposit Account No. 02-0375.

Remarks:

1. Objections and Rejections.

Applicant acknowledges with appreciation that the Examiner indicates that claims 27-29 and 34 contain allowable subject matter and would be allowable if rewritten in independent form to include the limitations of their base claim and any intervening claims. Moreover, Applicant respectfully traverses the objection to claim 45 in view of the foregoing amendments. Nevertheless, claims 1, 4-6, 8-22, 24-26, 30-33, and 35-81 stand rejected under 35 U.S.C. § 102(b), as allegedly anticipated by U.S. Patent No. 4,398,612 to Mikami *et al.* ("Mikami"). Moreover, claim 7 stands rejected under 35 U.S.C. § 103(a), as allegedly rendered obvious by Mikami in view of U.S. Patent No. 5,613,590 to Simionato. Applicant respectfully disagrees.

2. Anticipation Rejections.

As noted above, claims 1, 4-6, 8-22, 24-26, 30-33, and 35-81 stand rejected as allegedly anticipated by Mikami. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. . . . 'The identical invention must be shown in as complete detail as is contained in the . . . claim.'" MPEP 2131 (emphasis added; citations omitted). In view of the following remarks, Applicant respectfully disagrees.

Four (4) independent claims, claims 1, 40, 80, and 81, are under consideration in the above-captioned patent application. Claims 1 and 80 describe a dispenser, such as a rotary, vibratory dispenser. Claim 1 describes an embodiment of the dispenser in which the dispensing paths rotate and the feeder bowl may or may not rotate, and claim 80 describes an embodiment of the dispenser in which the dispensing paths rotate together with the feeder bowl. Claims 40 and 81 describe methods of dispensing items, such as methods for dispensing items from a rotary, vibratory dispenser. Claim 40 describes an embodiment of the dispensing method in which the dispensing paths are rotated and the feeder bowl may or may not be rotated, and claim 81 describes an embodiment of the dispensing method in which both the feeder bowl and the dispensing paths are rotated, but are not necessarily rotated together. With respect to independent claims 1, 40, 80, and 81, the Office Action contends that Mikami discloses each of the described elements of each claim. In particular, with respect to claims 1, 40, 80, and 81, the Office Action contends that Mikami discloses “a rotation drive for rotating the dispensing paths (3).” Office Action, Page 2, Lines 19-20. Applicant respectfully disagrees.

Referring to Mikami’s **Fig. 1**, Mikami describes “a conically shaped dispersion table 1 is fixed on an electromagnetic vibrator 2 and adapted to perform spiral reciprocating vibratory motion. Alternatively, the dispersion table 1 may be designed to rotate in one direction in which case an electric motor may be used instead of the vibrator 2.” Mikami, Column 4, Lines 1-6 (emphasis added). Thus, Mikami describes two possible movements for its dispersion table 1. First, a “spiral reciprocating vibratory motion” generated by vibrator 2 which is mounted on support plate 10. Second, “rotat[ion] in one direction” generated by a motor (not shown) which used instead of vibrator 2. Therefore, dispersion table 1 may be reciprocated or rotated depending upon the device on which it is mounted, but in either case, that device is mounted on support plate 10.

Mikami further states that “[a] plurality of feed troughs 3 are radially arranged around the outer periphery of the dispersion table 1, with their lower portions disposed under and out of contact with the dispersion table 1. . . . An electromagnetic vibrator 7 is provided for each feed trough 3 and has the associated feed trough 3 fixed thereto. . . . A round support plate 10 is positioned over a frame 11 by a plurality of legs 12 erected on and fixed to the frame 11 and has the electromagnetic vibrators 2 and 7 mounted thereon.” Mikami, Column 4, Lines 6-32. Mikami does not describe (or suggest) the rotation of feed troughs 3. Instead, Mikami describes

each of troughs 3 fixed to an electromagnetic vibrator 7, and vibrators 2 and 7 separately fixed to support plate 10. Mikami, **Fig. 1**. In addition, Mikami specifically distinguishes between the “spiral reciprocating vibratory motion [of dispersion table 1], by the centrifugal force due to the twist reciprocating vibratory motion of the electromagnetic vibrator 2” and “the inclined linear reciprocating vibratory motion” of troughs 3. Mikami, Column 4, Lines 58-65. Further, as noted above, support plate 10 is positioned over frame 11 by a plurality of legs 12. Thus, Applicant maintains that not only does Mikami not disclose the rotation of troughs 3, given the structures depicted in **Fig. 1**, rotation of troughs 3 would appear to require the rotation of frame 11.

In view of the foregoing remarks, Applicant maintains that the Office Action has failed to demonstrate that Mikami discloses “a rotation drive for rotating said dispensing paths,” as described in independent claim 1, of the above-referenced patent application. Compare Appl’n, Claims 40, 80, and 81. Because each and every element as set forth in Applicant’s claims 1, 40, 80, and 81 is not found, either expressly or inherently described, in Mikami, the Office Action has failed to demonstrate that Mikami anticipates Applicant’s claims 1, 40, 80, and 81 or claims 4-6, 8-22, 24-26, 30-33, 35-39, and 41-79, which depend therefrom. Therefore, in view of the foregoing remarks, Applicant respectfully requests that the Examiner withdraw the anticipation rejections of claims 1, 4-6, 8-22, 24-26, 30-33, and 35-81.

3. Obviousness Rejections

As noted above, the Office Action rejects claim 7, as allegedly rendered obvious by Mikami in view of Simionato. In order for the Office Action to establish a *prima facie* case of obviousness, at least three criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to those of ordinary skill in the art, to modify the primary reference as proposed by the Office Action. Second, there must be a reasonable expectation of success. Third, the prior art references must disclose or suggest all the claim elements. MPEP 2143.

As noted above, Mikami fails to disclose at least one element of Applicant’s invention, as described in claim 1. Claim 7 is dependent from independent claim 1 via intervening claim 6. “If an independent claim is non-obvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious.” MPEP 2143.03 (citations omitted). In view of the foregoing remarks with respect to claim 1, Applicant maintains that the Office Action has failed

to demonstrate that claims 1 or 6 is anticipated by Mikami. Because claim 7 depends directly from claim 6 and indirectly from claim 1, if Applicant overcomes the anticipation rejections of claim 1 or claim 6, claim 7 is be allowable. Therefore, Applicant respectfully requests that the Examiner withdraw the obviousness rejection of claim 7.

3. Allowance of Generic Claim 1.

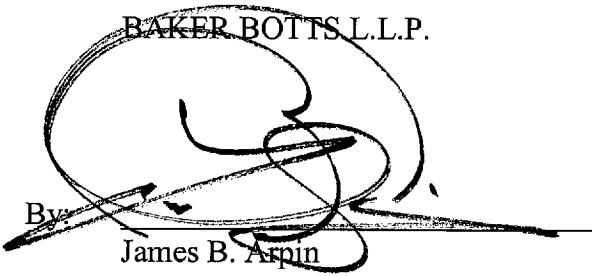
In view of the foregoing remarks, Applicant maintains that claim 1 now is allowable. Because the Examiner previously identified claim 1 as generic, Applicant respectfully requests that the Examiner allow claims 2, 3, and 23, which were withdrawn from consideration as directed to an unelected species.

Conclusion:

Applicant respectfully submits that this application, as amended, is in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that an interview with Applicant's representatives, either in person or by telephone, would expedite prosecution of this application, we would welcome such an opportunity.

Respectfully submitted,
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